

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ARTHUR J. WILLIAMS JR.,

Plaintiff,
v.

**CREDIT PROTECTION ASSOCIATION
TRANS UNION, LLC., et al.,**

Defendants.

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§ Civil Action No. **3:09-CV-1146-L**
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ORDER

Before the court is Defendant Trans Union LLC's Motion to Dismiss, Under Federal Rule of Civil Procedure 12(b)(6), or in the Alternative, Motion for More Definite Statement, filed September 16, 2009. Pursuant to its August 25, 2009 order, the court referred the motion to United States Magistrate Judge Irma C. Ramirez. On October 21, 2009, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. Plaintiff filed no objections to the Report.

This action arises out of alleged violations of the Fair Consumer Reporting Act, 15 U.S.C. § 1681 ("FCRA"). Plaintiff contends that Defendant Trans Union LLC violated the FCRA by providing inaccurate and erroneous adverse information on his requested credit reports, causing damages as a result of subsequent notices denying him credit and refinancing. Plaintiff seeks damages, costs, attorney's fees, and injunctive relief. After a careful analysis, the magistrate judge determined that Plaintiff had made claims under the FCRA that were plausible on their face for recovery of damages; however, the magistrate judge determined that the FCRA does not entitle Plaintiff to injunctive relief. Accordingly, the magistrate judge recommends that Defendant Trans

Union LLC's Motion to Dismiss, Under Federal Rule of Civil Procedure 12(b)(6) be denied to the extent that it would dispose of Plaintiff's FCRA claims for damages, and should be granted to the extent that it denies Plaintiff's claim for injunctive relief.

As for Defendant Trans Union LLC's Alternative Motion for More Definite Statement, the magistrate judge concluded that Plaintiff's FCRA claims have already withstood a motion to dismiss and that his claims are not so unintelligible or so vague that Trans Union LLC should be unable to respond. The magistrate judge therefore recommends that Defendant Trans Union LLC's Alternative Motion for More Definite Statement be denied.

Having reviewed the motion, file, record, and Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court, and the court therefore **grants in part** Defendant Trans Union LLC's Motion to Dismiss, Under Federal Rule of Civil Procedure 12(b)(6) to the extent that it seeks dismissal of Plaintiff's claim for injunctive relief, and **denies** it in all other respects. The court also **denies** Defendant Trans Union LLC's Alternative Motion for More Definite Statement.

It is so ordered this 3rd day of November, 2009.



Sam A. Lindsay
United States District Judge